

United States District Court

EASTERN

DISTRICT OF

TENNESSE

ERNEST R. LESTER,

JUDGMENT IN A CIVIL CASE

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security

CASE NUMBER: 3:08-cv-328

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

The Court finds that ALJ did not comply with the applicable rules and regulations in making and explaining his findings and conclusions, and the Court concludes that the ALJ's decision is not supported by substantial evidence. Therefore, the Commissioner's Motion for Summary Judgment [**Doc. 15**] is hereby **DENIED**, and the Plaintiff's Motion for Summary Judgment [**Doc. 13**] is **GRANTED**. Accordingly, this case shall be **REMANDED** for further consideration and/or explanation of the ALJ's decision to disregard Dr. Broome's opinion and discredit the Plaintiff's statements.

September 2, 2009
Date

Patricia L. McNutt, Clerk

By s/ A. Brush
Deputy Clerk